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The April 2, 2004 DNA Resource Report is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems.

SUMMARY

Legislation to require DNA from all convicted felons is progressing in Pennsylvania, and Hawaiian legislation would study expanding the state's DNA database. Backlogs at Mississippi's crime lab made the news, a backlog in Arkansas resulted in a four-year delay in identifying a missing child's remains, and another article discussed general problems with crime labs around the country. Possible accreditation problems in Vermont may result in a loss of federal funding. More problems with labs in Texas have surfaced.

Cold hits identified a rapist in Florida, and helped to convict a murderer in Washington. DNA evidence collected from a discarded drinking straw helped to convict a murderer in New York. Kansas authorities hope to gain a DNA clue from a letter sent by an unidentified serial killer. DNA evidence also played a vital role in investigations and/or prosecutions in California (serial murders), Louisiana (serial murders) Nevada (murder), New York (rape), and Massachusetts (murder). Louisiana investigators are seeking access to volunteered DNA samples from a serial investigation for comparison to evidence in an unrelated serial investigation.

In international news...Ireland continues to plan for a DNA database. An Australian state has convicted a man first identified through a cold hit. Another Australian state may consider broader DNA collection authority in the wake of a limiting court ruling.

STATE LEGISLATION

Forensic DNA

1. Hawaii HRes 66 & HCRes 97 – Establishes a committee to study the expansion of the State DNA database registry and improvement of DNA collection and analysis.

Genetic Privacy / Research

2. Hawaii HRes 145 & HCRes 207 -- Requests a study of the use of DNA for purposes other than that for which it was originally drawn and to address concerns for necessary disclosure.

NEWS ARTICLES

Forensic DNA

1. "Overwhelmed by a flood of DNA evidence, public crime labs are performing poorly." *Governing Magazine*, April 2004.
Backlogs in most public crime labs are four to eight months or longer. There are staff shortages and only enough resources to work on the most egregious crimes. The consistent problems with staffing shortages can often contribute to mistakes. The emergence of DNA as a key crime-solving tool has added to the problem. As investigators rely more and more on DNA for solving crimes, the crime labs are overloaded. Accreditation is seen as a key to forcing improvements in crime labs.
2. "Prosecutors lay out DNA evidence against serial killings suspect." *The Associated Press State & Local Wire*, March 31, 2004.
Prosecutors for the case against the accused Baton Rouge serial killer have presented DNA evidence left behind in blood, sweat and semen forms. Defense attorneys questioned how the evidence was handled and examined, asking how the analysts avoid contamination. His lawyers also said in documents that the suspect was illegally swabbed for his DNA – which eventually led to his arrest - and are asking a judge to throw out that evidence.
3. "Tassie DNA man jailed over Sydney strangling." *The Mercury (Australia)*, March 31, 2004.
In Australia, a man has been charged with murdering a Sydney mother after a mandatory prison DNA tests linked him to the crime. His DNA sample was collected after he arrived in jail for an attempted rape sentence. He is believed to be the first person in NSW convicted of murder from a mandatory DNA test.
4. "Drinking straw links man to killing." *Calgary Herald (Alberta, Canada)*, March 30, 2004.
In New York, a man was convicted in the 1975 rape and murder of a college student after prosecutors linked him to DNA evidence from a discarded drinking straw. The man was a principal suspect after police found his business cards near the teenager's body, but there was not enough evidence to charge him. Police, however, preserved a semen sample taken from the victim and continued to track the suspect. He was arrested in March 2003 after police matched the semen to the DNA in a saliva sample that was recovered from a straw the man dumped in the trash at a fast-food restaurant.
5. "Ex-legislator presses 24-year challenge of assault conviction." *The Associated Press State & Local Wire*, March 30, 2004.
In West Virginia, a former state legislator who continues to challenge his 1979 conviction for fondling a Capitol page asked the Supreme Court to order DNA testing of evidence from the 24-year-old case. But the justices and the man's lawyer were told that the evidence, including the underwear of the teenage victim, would first have to be found. The clothing and previous test results that were inconclusive were not kept by the State Police because they were not presented as evidence trial.
6. "Chief: HPD budget may have to be cut." *The Houston Chronicle*, March 30, 2004.
In Texas, the new Houston Police Chief said he may have to cut as much as \$ 30 million from the department's budget to address a looming funding shortfall. Although city officials have considered permanently outsourcing DNA testing, the Chief said the department's DNA lab, closed since December 2002 because of numerous problems, should reopen. "It will be considerably less costly to do it ourselves than to outsource," he said,
7. "Ashley's Death Leaves Hurt, Questions." *The Commercial Appeal (Memphis, TN)*, March 30, 2004.
In Arkansas, the remains of a missing girl were found in an abandoned farm home three months after she disappeared in July 1998, but DNA tests to affirm remains were not completed until this year. Investigators said they submitted blood from Ashley's mother to the state Crime Laboratory in February 1999. They hoped to compare her DNA with the mitochondrial DNA of the recovered bones. The process usually takes two months, but backlogs at the state Crime Laboratory and other hitches turned the wait into years.
8. "DNA use in Mississippi prosecutions slow to develop." *The Associated Press State & Local Wire*, March 29, 2004.
Prosecutors and investigators in Mississippi would likely use DNA testing more frequently, if the crime lab were able to handle their requests. DNA testing is \$350 per test. The cost is split, with requesting police agencies paying \$100 and the state picking up the rest. The state crime lab averages more than 100 DNA and serology requests per month, with three analysts completing as many as 20 DNA tests per month. Three more technicians are being trained to work at the lab, but budget limitations prevent the hiring of seven more DNA technicians the lab authorized to have. "There's a little bit of a backlog," said one analyst. "That's putting it nicely."

9. "Gloating killer ends 25-year silence." The Times (London), March 29, 2004.
A serial killer who once terrorized a Kansas town has reappeared after a quarter of a century to claim responsibility for an unsolved murder in 1986 with gory pictures of the corpse. The "BTK Strangler", who earned his nickname because he liked to "bind, torture and kill", broke his long silence by sending photographs of the victim's body and a copy of her stolen driving license to the Wichita Eagle newspaper. Investigators said that the letter was being checked for fingerprints and DNA evidence and that detectives would run any evidence they found through national fingerprint and DNA databases. The killer has eight known victims.
10. "Crime lab could lose accreditation, funding." The Associated Press State & Local Wire, March 28, 2004.
The state and University of Vermont hope to open a \$100 million laboratory by 2008 to handle work from the UVM agricultural and medical schools and the state police forensics lab. But officials at the existing crime lab say that target date may not be soon enough to keep the antiquated facility out of trouble with the inspectors who determine if it will keep its accreditation. Vermont's crime lab is scheduled for inspection this year, and state officials are concerned it may not pass muster. Located in a pre-World War II building, the 10,000-square-foot facility has numerous problems - including some that affect critical DNA analysis. If Vermont's crime lab lost its accreditation, it would also lose federal grants that make up nearly 40 percent of its \$1.7 million annual budget. The lab participates in about 2,000 criminal investigations each year.
11. "More DPS labs flawed." The Houston Chronicle, March 28, 2004.
In Texas, the same problems that shut down criminal laboratories in Houston and McAllen have surfaced in Department of Public Safety crime labs across the state, according to internal audits obtained by the Houston Chronicle. The audits revealed procedural flaws, security lapses and documentation problems at several of the labs. DPS officials stand by the quality of the work of the DNA labs, and emphasized that none of the problems resulted in the false identification of a suspect. They attributed many of the problems in the audit to documentation rather than faulty lab work.
12. "Man suspected in series of SoCal slayings linked to another murder." The Associated Press State & Local Wire, March 27, 2004.
In California, a man in custody for allegedly killing six women in a series of so-called "60 Freeway Slayer" murders a decade ago has been linked to another slaying in 1986. DNA tests allegedly linked him to the 1990s killing spree and to the 1986 murder. The charges against the suspect, who had spent much of his adult life in prison, carry the special circumstance allegations of multiple murders and a prior murder conviction.
13. "Reno man receives life for murder of homeless woman." Reno Gazette-Journal, March 27, 2004.
In Nevada, a man was found guilty of killing a mentally ill homeless woman in a downtown park bathroom and sentenced to life in prison without the possibility of parole. The slaying remained unsolved until 2000, when the Washoe County crime lab made a positive match between blood found at the scene of the crime, and suspect's DNA profile, which had been added to the criminal database.
14. "Prison inmate arraigned in 1987 slaying." Telegram & Gazette (Massachusetts), March 27, 2004.
In Massachusetts, a prison inmate linked to a 1987 murder has been charged and ordered held without bail. The man is now serving a sentence for a parole violation. He was considered a suspect at the time of the murder but was never charged with the crime. The 1987 murder was one of several cold cases being reviewed for possible DNA evidence that might result in prosecutions.
15. "Bungle On Brincat DNA Sample." The Age (Melbourne, Australia), March 26, 2004.
In Australia, Melbourne's underworld murders taskforce has learned that a crucial DNA sample ordered by a judge 12 years ago from the prime suspect a murder last year was never taken. A police spokesman confirmed that an "administrative breakdown" resulted in the suspect not being tested. The revelation came two days after detectives failed in an application to take a DNA sample from the suspect to compare it to genetic material on a shotgun dropped at the scene of a recent murder. A judge had ruled that police evidence that allegedly linked the man to the murder scene was not strong enough to warrant their request for a compulsory forensic test. Police are now seeking legal advice as to whether detectives can now get the man's DNA under the previous order.
16. "11 Years Later, Justice For Slain Singer Zapata." The Seattle Post-Intelligencer, March 26, 2004.
In Washington State, a King County jury has convicted a Florida fisherman of killing up-and-coming punk-rock singer Mia Zapata. The man was arrested early last year in Miami, after Seattle's cold case detectives sought new DNA testing and learned that DNA in traces of saliva found on victim's breasts matched DNA in samples taken

from the man. Jurors were left to consider whether the DNA evidence was enough to show that the suspect took the young woman's life. Prosecutors contended that suspect bit the victim during a brutal sexual assault. Defense attorneys suggested that the DNA could have come from contact hours or days before the murder, or that crime-scene contamination occurred - perhaps by the medics who tried to revive her.

17. "SJC: Inmate's Laundry Not Protected." The Boston Globe, March 25, 2004.
In Massachusetts, the state's highest court ruled that police can examine a jail inmate's laundry for DNA samples to help them solve a case. The Supreme Judicial Court ruled, in upholding a first-degree murder conviction, that the defendant "did not have a reasonable expectation of privacy" in the items seized and that any rights he might have enjoyed were abandoned when he gave up the items for laundering.
18. "Maitland DNA bill targets all felons." The Evening Sun (Hanover, PA), March 25, 2004.
In Pennsylvania, a bill has passed the House Judiciary Committee that would require all convicted felons to submit a DNA sample for a state police database. Another key bill in the package would remove the statute of limitations for prosecuting felonies and certain misdemeanor sex offenses if DNA evidence is available. Other bills in the package would allow investigators to obtain a court order to require a suspect in a probe to give a DNA sample; require police to inform people who file a missing person report that they can submit a DNA sample or a personal item likely to have a DNA sample with the report; and allow DNA samples to be taken from convicts who were not properly advised of their requirement to submit it due to an oversight. The bills were supported by the Pennsylvania District Attorneys Association, Pennsylvania Coalition Against Rape and the Pennsylvania Office of Victim Advocate. The ranking Democrat on the House Judiciary Committee also backs the bills, but they were objected to by the ACLU. The entire package of bills was passed by the committee.
19. "Bracks no to police powers bid." Herald Sun (Melbourne, Australia), March 25, 2004.
In Australia, Victoria's Premier has rejected the call by Victoria Police for more freedom to collect DNA samples from suspects, saying existing laws making police get a court order to take DNA from suspects struck the appropriate balance between individual rights and solving crime. The Opposition Leader said it should be made easier for police to collect DNA samples, and that he would look favorably on letting covertly collected DNA be used as evidence because it was a precise investigative tool.
20. "McDowell to set up DNA databank." The Irish Times, March 25, 2004.
Ireland's Minister for Justice will bring forward proposals for the establishment of a DNA databank. "We must ensure that one of the most important investigative tools available, DNA profiling, can be exploited fully to vindicate the rights of victims and their families and to ensure a safer society for everyone," he said. "DNA profiling has become an invaluable tool in the investigation of crime and it has, of course, a very obvious and crucial role in the investigation of the most serious offences such as rape and murder." The Law Reform is now seeking submissions on its consultation paper, prior to it writing a final report for submission to the Government. The final date for submissions is August 31st, 2004.
21. "DNA helps catch man now charged with rape." The Tallahassee Democrat, March 25, 2004.
In Florida, a hit from the state's DNA database helped catch a Tallahassee man now charged in the February rape of a local woman. The suspect is currently on probation following a 1995 conviction on charges of kidnapping and robbery. The Tallahassee crime lab currently averages four weeks to turn around a DNA analysis.
22. "Six Months Later, No Results in Fire Probe." The Washington Post, March 25, 2004.
In Virginia, a probation and parole officer has been frustrated that local police do not seem to be seriously investigating a fire that was set to the man's car. The officer has reason to suspect the fire was set by a probationer who had threatened him. Three matches were found at the crime scene and collected for DNA testing, but since the crime the man has been unable to get a response from investigators. Investigators have recently told the man that the matches were tested for DNA evidence, but that the results had not been run against the database yet.
23. "Order bars use of 1,200 DNA profiles." The Advocate (Baton Rouge, LA), March 24, 2004.
In Louisiana, a Baton Rouge federal judge issued a temporary restraining order blocking the East Baton Rouge Homicide Task Force from comparing evidence in the slayings of three women linked by "high-risk lifestyles" with the 1,200 DNA samples collected during the Baton Rouge serial killer investigation. Police say requests for the DNA samples "made no restriction upon their subsequent use," but some of those sampled say they were told their DNA would be used only to eliminate them as a suspect in the Baton Rouge serial case. The judge said he is concerned that allowing investigators to use the DNA for an unrelated case might hurt the criminal case against

suspected serial killer. He noted that serial killer's attorneys already have hired a DNA expert to evaluate all 1,200 samples to determine whether they were tested properly.

24. "Police use DNA in rape arrest." The Ithaca Journal (Ithaca, NY), March 23, 2004.
In New York, Ithaca Police were able to arrest a man on charges of attempted rape more than a year and a half after the incident using DNA from a baseball cap found at the scene of the crime. In 1999 and 2001, the suspect had spent time in prison in South Carolina after being convicted of nonviolent felony burglary charges.

Genetic Privacy / Research

25. "Boxer gene screens." Herald Sun (Melbourne, Australia), March 29, 2004.
In Australia, the Victoria State Government plans to require genetic screening for professional boxers and kickboxers to test for a gene variant that warns of a potential for brain damage. The Professional Boxing and Combat Sports Board backs the tests. The board's president said about one in 10 people had the gene variant, and the tests would educate boxers about the risks they faced so they could make an informed decision about whether to continue fighting. Boxers who carry the gene variant would not be banned, but would be able to consult doctors privately about the risks of continuing to fight.
26. "Study to test how events in womb affect later years." The Vancouver Sun, March 29, 2004.
In Canada, doctors are poised to gather blood and DNA from thousands of pregnant Ottawa women, and later from their newborns, to learn how events in the womb influence people's health far later in their lifetimes. In a \$2.5-million study that may continue for decades, the Ottawa Health Research Institute will examine 8,000 mother-baby pairs, beginning with questions about why some pregnancies are healthy and others have unexpected complications.

Paternity

27. "Slave descendants suing corporations for \$1 billion." Chicago Tribune, March 30, 2004.
Descendants of slaves filed a \$1 billion lawsuit against U.S. and British corporations, accusing them of profiting by committing genocide against their ancestors. Lawyers for the eight plaintiffs said the complaint was the first slave reparations lawsuit to use DNA to link the plaintiffs to Africans who suffered atrocities during the slave trade. The suit filed in federal court in Manhattan accuses Lloyd's of London, FleetBoston and R.J. Reynolds of "aiding and abetting the commission of genocide" by allegedly financing and insuring the ships that delivered slaves to tobacco plantations in the United States.
28. "Men Concoct \$200 Scheme To Fake DNA Paternity Test." The Post-Standard, March 29, 2004.
In New York, prosecutors say a Syracuse man concerned about being outed as the father in a paternity case paid his cousin \$200 to take a DNA test for him. The man was concerned the test would prove he was the father of the child and provided his cousin with his driver's license to show the test takers. The charade ended when the child's mother arrived to take her DNA test and saw the photos taken of the cousin. The men have been charged with second-degree forgery, first-degree falsifying business records, tampering with physical evidence and second-degree criminal impersonation.
29. "North Carolina's Cherokees battle over bloodlines - and money." The Associated Press State & Local Wire, March 27, 2004.
The Eastern Band of Cherokee Indians is considering DNA tests to weed through its many "absentee" members and determine who will be allowed to control, and share in, the casino millions.